

REMARKS

Claims 1-21 are pending in the present application.

Claims 1-21 are rejected.

Claims 1, 5, 8, 12, 15, and 19 were amended.

Reconsideration of the claims is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0140131 to *Chandrashekhar* (“Chandrashekhar”) in view of U.S. Patent No. 6,879,834 to *Virtanen* (“Virtanen”). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th

ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Independent Claim 1 has been amended to recite “determining quality-of-service parameters according to the quality-of-service profile and the first application information,” where “the quality-of-service parameters are changeable during the packet data call upon receipt of information corresponding to a second application of the mobile station.” This feature is not taught or suggested by Chandrashekhar or Virtanen, separately or in combination. While both Chandrashekhar and Virtanen generally disclose QoS parameters and profiles, neither reference teaches or suggests anything about QoS parameters that are dynamically changeable during a packet data call based on a change in an application of the mobile station.

Therefore, Claim 1 is patentable over Chandrashekhar, Virtanen, and any combination of the two. Independent Claims 8 and 15 recite features analogous to those of Claim 1 discussed above. Accordingly, Claims 8 and 15 are also patentable over Chandrashekhar, Virtanen, and any combination of the two. The other claims depend from the independent claims and are therefore patentable at a minimum due to their dependence from allowable base claims.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully request that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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